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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/585,391 | DUNN, GRENVIL MARQUIS | |
| | Examiner | Art Unit | |
| | JARED WOOD | 1793 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 06/15/2009.
2. ☒ The allowed claim(s) is/are 34,35 and 37-55.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Colin Abrahams on 08/20/2009.

The application has been amended as follows:

On page 9, item d., add the words 'via line 74' between the words 'autoclave' and 'to'.

On page 9, after item d., add the following sentence: "e. the flash vapor is discharged from the feed tank 14 via a line 5."

Claim 34 has been amended to read "A method of leach autoclave processing in an autoclave having a first compartment and at least one subsequent compartment, including the steps, in a desired order, of:

flashing at least a portion of the contents of the first compartment of the autoclave and generating a flash underflow;

performing a solid-liquid separation on the flash underflow to produce a solids fraction and an aqueous fraction;

returning the solids fraction to the first compartment of the autoclave; and

returning a portion of the aqueous fraction to the autoclave."

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Claim 52 has been amended to read: “A leach autoclave processing plant comprising: an autoclave feed tank; an autoclave having a first compartment and at least one subsequent compartment; means to flash at least a portion of the contents of the first compartment of the autoclave into a suitable tank in which a feed underflow can be generated; separation means to perform a solid-liquid separation on the feed underflow from the first compartment of the autoclave to produce a solids fraction and an aqueous fraction; and means to return at least the solids fraction to the first compartment of the autoclave.”

The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In figure 1, eliminate reference numbers 122, 124, 126, 128, 130, 132, 134, 136, and 138 and their associated directing lines.

In figure 2, draw directing line between reference number 58 and the line immediately to the left of reference number 58.

In figure 2, move reference number 30 and its associated directing line to indicate the line labeled “Process Water” above tank (12).

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Allowable Subject Matter

Claims 34, 35, and 37-55 are allowed.

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The following is an examiner's statement of reasons for allowance: While the closest prior art, US 6,451,088 and WO 02/092862 both disclose flashing the autoclave and returning the flash underflow to the autoclave no teaching can be found in the prior art to suggest a selectively flashing the first compartment of the autoclave in conjunction with a solid-liquid separation step and subsequent return of solids fraction and a portion of the liquid fraction to said first compartment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JARED WOOD whose telephone number is (571)270-5911. The examiner can normally be reached on Monday - Friday, 7:30 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571)272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JARED WOOD/
Examiner, Art Unit 1793